

USA FIVE

OCA 3276/88

October 4, 1988

LEGISLATIVE LIAISON OFFICER

TO: See Attached Distribution List

SUBJECT: Senate Version of the Omnibus Anti-drug Bill

Please provide your comments on the Senate version of the Omni Anti-drug bill.

The Senate version of the Omni anti-drug bill was introduced on Monday October 3, 1988. In anticipation of floor action, we need to identify likely amendments and positions thereon as quickly as possible. Therefore, please let us know of any likely amendments and your proposed position thereon by 3:00 p.m. today and continuously thereafter as new information becomes available. In addition, please advise us of any seriously objectionable provisions in the Senate bill that were not included in H.R. 5210, as passed by the House, by 1:00 p.m. today.

Direct your questions to

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*Dictated via phone  
from OMB to CIA @ 10:30 a.m.  
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19 Outside agencies that were requested comments from.

14 Internal people in OMB that also received copies.

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*Leg*

3 October 1988  
OCA 3299-88

MEMORANDUM FOR: Deputy Director for Science and Technology  
General Counsel

FROM:  Legislation Division  
Office of Congressional Affairs

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SUBJECT: Senate Drug Bill - R&D Centers Provision

1. This week the Senate may consider omnibus, anti-drug legislation. It would prefer to consider its own bill which staff has been drafting for some time now. Introduction of that bill, however, has been delayed. As a result, the Senate may be forced to take up the House-passed bill (H.R. 5210) instead of its own.

2. Should the Senate bill be introduced and taken up by the Senate, it may contain a provision on which we would appreciate your comments. The background is as follows.

3. Earlier drafts of the Senate bill contained a provision, Section 4501, entitled "Use of Existing Federal Research and Development Facilities for Civilian Law Enforcement." A copy is attached.

4. We alerted the Senate Select Committee on Intelligence (SSCI) to the provision, noting the potentially troublesome involvement of Intelligence Community facilities in law enforcement support activities (Section 4501 (b) (4)) and the monitoring role prescribed for the Comptroller General (Section 4501 (d)). We also shared our concerns with NSA.

5. The SSCI staff recently responded to both us and NSA. They indicated that in their view the provision was not a problem: Community involvement was, at worst, only indirect and the Comptroller General role was too general to be of concern.

6. We are not certain whether Section 4501 will be included in the Senate bill as finally introduced. If it is, the SSCI's response, while it does not foreclose ameliorative action, will make it more difficult. Nonetheless, there remain some possibilities for addressing any concerns, if not the direct amendment then by the creation of legislative history. Before we take any further steps, however, we would appreciate receiving your comments on the provision.

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Attachment  
as stated

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276

Patrol drug enforcement personnel, including spare parts for helicopters; 4-wheel drive law enforcement vehicles; and initial procurement of mobile sensor response system and electronic intrusion detection, and for related operation and maintenance expenses.

#### SEC. 4402. IMMIGRATION AND NATURALIZATION SERVICE/BORDER

##### PATROL DRUG INTERDICTION PERSONNEL ENHANCEMENT.

There is authorized to be appropriated for salaries and expenses of the Border Patrol within the Department of Justice for fiscal year 1989, \$20,000,000: Provided, That such appropriation shall be in addition to any appropriations requested by the President in his budget presented to the Congress on February 18, 1988, or appropriated in any regular appropriations Act or continuing resolutions for the fiscal year ending on September 30, 1989: Provided further, That such additional appropriation shall be used to increase drug interdiction officers of the Border Patrol by no fewer than 500 full-time equivalent positions over the level of such personnel onboard at the Border Patrol as of September 30, 1988, and for related equipment.

Subtitle E--Research and Development Programs to Assist  
Federal Enforcement Agencies

#### SEC. 4501. USE OF EXISTING FEDERAL RESEARCH AND DEVELOPMENT FACILITIES FOR CIVILIAN LAW ENFORCEMENT.

(a) Comprehensive Plan.--The President of the United



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277

States shall direct the Office of National Drug Control Policy, established in section 1005 of this Act, to develop a comprehensive plan for utilizing no fewer than eight existing facilities of the Department of Defense, the Department of Justice, the Department of Energy, National Security Agency, and the Central Intelligence Agency, to develop technologies for application to Federal law enforcement agency missions, and to provide research, development, technology, and evaluation support to the law enforcement agencies of the Federal Government. Such plan shall be prepared and submitted to the Congress by no later than 90 days from the date of enactment of this Act.

(b) Existing Facilities To Be Examined.--The following existing United States Government facilities shall be examined in developing the comprehensive plan mandated in subsection (a):

(1) For night vision research and development--  
Department of Defense, Army Materiel Command, Night Vision Laboratory at Fort Belvoir, Virginia;

(2) For ground sensor research and development--  
Department of Defense, Army Materiel Command,  
Communications Electronic Command, Fort Monmouth, New Jersey;

(3) For physical/electronic security research and development--Department of Defense, Air Force Systems

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278

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Command, Electronic Systems Division, Hanscom Field,  
Massachusetts;

(4) For imaging/electronic surveillance research and  
development--Central Intelligence Agency and National  
Security Agency, Washington, DC; ←

(5) For chemical/biosensor research and development--  
Department of Defense, Army Materiel Command, Chemical  
Research Development and Engineering Center, Aberdeen,  
Maryland;

(6) For chemical/molecular detector research and  
development--Department of Energy, Sandia National  
Laboratories, Albuquerque, New Mexico;

(7) For physical/electronic surveillance and tracking,  
research and development--Department of Justice, Federal  
Bureau of Investigation and Drug Enforcement  
Administration, Washington, DC; and

(8) For explosives ordnance detection research and  
development--Department of Defense, Naval Ordnance  
Station, Indian Head, Maryland.

(c) Participation.--In developing the plan mandated in  
subsection (a), the Director of National Drug Control Policy  
shall ensure that representatives of the Federal law  
enforcement agencies are provided an opportunity to  
participate in the formulation of the comprehensive plan and  
that their views and recommendations are integrated into the

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279

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planning process.

(d) Comptroller General Oversight.--The Comptroller General of the United States shall monitor the development of the plan mandated in subsection (a) and report periodically to the appropriate Committees of the Congress on the progress of the development of this research and development program. ←

SEC. 4502. CARGO CONTAINER DRUG DETECTION RESEARCH AND DEVELOPMENT.

(a) Authorization of Appropriations.--There is authorized to be appropriated to the United States Customs Service for fiscal year 1989, \$5,000,000: Provided, That such appropriation shall be in addition to any appropriations requested by the President in his fiscal year 1989 budget as presented to the Congress on February 18, 1988, or provided in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1989: Provided further, That such additional appropriation shall be used only for accelerating the development and availability of X-ray detection, nitrate detection, or other technologies to be utilized for the detection of illegal narcotics in cargo containers entering the United States at seaports, airports, and land borders.

(b) Coordination.--The Commissioner of Customs shall coordinate and share the findings of the research and development authorized in subsection (a) with other Federal